

Our ref: KON-1870

Client's ref: P6388-001-0000 (US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: Eiichi UEDA, :
et al Art Unit: 1618
Appln. No.: 10/824,095 :
Examiner: M.J.
Filed: April 13, 2004 : Perreira

For: LIPOSOME-CONTAINING RADIO- :
GRAPHIC CONTRAST MEDIUM AND :
PREPARATION METHOD THEREOF :

CONFIRMATION #6153

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DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S i r:

CERTIFICATE

I hereby certify that this correspondence is being EFS-Web or facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 5, 2007.

LUCAS & MERCANTI, LLP

BY: 

Timothy D. Meade, Reg. No. 55,449

I, Eiichi UEDA, hereby declare and says as follows:

1. I am one of the named Inventors in this Application.

2. I received a Masters Degree in Chemistry from Tokyo University of Science in March of 1983. Since April of 1983, I was employed by Konica Corporation, the predecessor in interest to the current Assignee, Konica Minolta Medical & Graphic, Inc. Since my initial employment with Konica, I have been engaged in research and development in the field of material science to include radiographic contrast mediums.

3. I am aware that the Examiner has cited U.S. Patent 4,192,859, Mackaness, and U.S. Patent 5,676,928, Klaveness, as teaching a radiographic contrast medium comprising liposomes which are in the form of vesicles and a water soluble non-ionic iodine compound, where the contrast medium is prepared using an organic solvent. In order to demonstrate the difference between the teachings of Mackaness and Klaveness using an organic solvent to make the contrast medium and the present Invention where no organic solvent is used to make the contrast medium and thus no organic solvent is present in the contrast medium, the contrast medium of Mackaness and Klaveness have been made and tested. The tests results are reported herein. These tests were performed by me or under my direct supervision and control.

4. In order to make the material of Mackaness, Example 1, as taught in Column 4, line 59 through Column 5, line 3, was followed except that ethyl acetate was used instead of chloroform. The amount of ethylacetate used was the same as the chloroform recited in Example 1.

5. In order to make the material of Klaveness, the material of Example 1 at Column 12, line 11 through line 30, was made twice, once with the mixture of chloroform, methanol and water as the solvent and a second time where ethanol was used in place of the chloroform.

6. These contrast mediums obtained from both Mackenness and Klaveness were then tested for the amount of organic solvent in the contrast medium. The determination of organic solvent in the contrast medium was measured using a gas chromatograph mass spectrometer model 5890 Series II / 5971 manufactured by Hewlett Packard. The internal standard compound was a fluorobenzene solution. The column was a HP-624 with an ID of 0.25 mm and a length of 30 m.

7. For the contrast medium of Mackaness, the amount of ethyl acetate that remained in the contrast medium was 550 µg per liter. For the first contrast medium of Klaveness, the amount of methanol solvent that remained in the first contrast medium was 80 µg per liter, while for the second contrast medium, the amount of ethanol solvent that remained in the second contrast medium was 70 µg per liter. Both the contrast medium of Mackaness and the contrast mediums of Klaveness contained organic solvent.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Eiichi Ueda
Eiichi UEDA

Dated: This 23rd day of March, 2007.

DCL/mr